

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-CV-00515-KDB-DSC**

**DUKE ENERGY CAROLINAS,
LLC,**

Plaintiffs,

v.

**NTE CAROLINAS II HOLDINGS,
LLC. ET AL.,**

Defendants.

ORDER

On October 15, 2021, counsel for the NTE Defendants / Counterclaimants (“NTE”) wrote to the Court in an emailed letter (attached as Exhibit 1) requesting that the undersigned recuse myself from this action based on my prior association with McGuireWoods LLP, which is also the former firm of Jason Evans, one of Plaintiff Duke Energy Carolinas, LLC’s (“Duke”) attorneys in this matter. Duke responded to NTE’s letter in an emailed letter dated October 19, 2021 (attached as Exhibit 2). The Court has carefully considered the arguments of the Parties as well as an assigned judge’s duty to remain on a case absent appropriate grounds for recusal. *See Tallant v. Tallant*, No. 520CV00129KDBDCK, 2020 WL 6813227, at *3 (W.D.N.C. Oct. 14, 2020) (A judge has “as strong a duty to sit when there is no legitimate reason to recuse as he does to recuse when the law and facts require.”)

Based on the letters received from counsel, the Court declines NTE’s request for recusal. The undersigned left McGuireWoods almost two and a half years ago, in June 2019, prior to the filing of this matter, and McGuireWoods was only counsel in the case for a short time prior to Mr.

Evans' departure from the firm. Also, it appears that McGuireWoods was not involved in the "matter in controversy" while I was associated with the firm. Therefore, the Court does not find that my "impartiality might reasonably be questioned" or recusal is otherwise appropriate. *See* 28 U.S.C. § 455.

However, in light of the relative informality and brevity of the Parties' submissions, if NTE wants to formally seek recusal (which the Court will consider *de novo*), then it should do so by motion under the Court's local rules within 14 days of the date of this Order.

SO ORDERED ADJUDGED AND DECREED.

Signed: October 20, 2021



Kenneth D. Bell
United States District Judge

